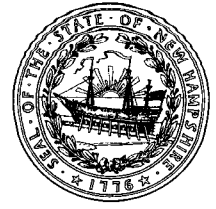




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
SP 06-010**

June 26, 2006

Nelson & Judith Sherman  
Sherman Inter Vivos Family Trust  
65 Sellar Rd  
Northwood, NH 03261

RE: DES Wetlands File #2004-02413 76 Sellar Rd, Northwood, ROW on Tax Map 118, Lot 10

Dear Mr. & Ms. Sherman:

On May 12, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the ROW on the above referenced property, more specifically referenced on Town of Northwood Tax Map 118 as Lot 10 (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411 and RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

Based on the inspection and further file review the following deficiencies were documented:

1. An irregular shaped wooden deck measuring approximately 13 feet by 13 feet was located approximately 6 feet from the reference line.
2. A set of wooden stairs (10 steps), approximately 8 feet wide extends from the deck over the bank and over the lake.
3. A seasonal "L" shaped dock extends approximately 45 feet 6 inches over the water, consisting of a 4 foot by 5 foot section attached to four 4 foot by 10 foot sections with a 4 foot by 10 foot section attached to the south side.
4. Fill was placed in the lake, below the normal high water line, comprised of stones and sand to construct a beach area, measuring approximately 19 feet long by 10 feet wide with a set of concrete steps leading to the lake bed.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a NH certified wetland scientist or qualified environmental consultant, and include provisions to completely remove the beach area constructed in the lake, to include the concrete steps, stone wall and sand located below the normal high water mark on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, with wetland boundaries; and

2. Proposed conditions after reestablishing the jurisdictional areas;

- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

2. Within 30 days provide documentation the "L" shaped seasonal dock has been in the same location and configuration since 1979. Be advised if the docking structure is not grandfathered, the Department will require removal of the docking structure from the property.
3. Within 30 days provide documentation the irregular shaped deck located approximately 6 feet from the reference line has been in the same location and configuration since 1994. Be advised if the deck was not constructed prior to 1994, the Department will require removal of the deck structure.
4. Within 30 days provide documentation the approximately 8 foot wide stepped access to the dock located over the bank and water has been in the same location and configuration since 1969. Be advised if the stepped access was not constructed prior to 1969, the Department will require the steps be reduced to 6 feet in width and located landward of the normal high water mark.
5. Retain a NH certified wetland scientist or qualified environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress reports.
6. Implement the restoration plan only after receiving written approval and as conditioned by DES.

Please be advised that the Department is reviewing the status of the bathhouse located on the property identified as Lot 10 on the Town of Northwood Tax Map 118, which is subordinate and incidental to the use of property identified as Lot 5 on the Town of Northwood Tax Map 118. RSA 483-B:4, II, defines an accessory structure as a structure "on the same lot and customarily incidental and subordinate to the primary structure". The Department thus will be determining whether the use of an accessory structure on one lot can be subordinate and incidental to a primary structure on a different lot. The Department's determination will be issued in writing to all concerned parties.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B and RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines,

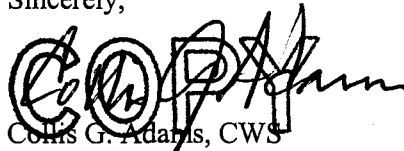
administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876 or by email at [jblecharczyk@des.state.nh.us](mailto:jblecharczyk@des.state.nh.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a circular stamp that contains the word "COPY".

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 8153

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Northwood Conservation Commission  
Northwood Board of Selectmen  
USACOE  
John Sellar